

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U 338-E) for Order Approving Proposed Settlement Agreement Regarding QFID 2014 (NP Cogen) and Authorizing Edison's Recovery of Payments Under the Proposed Settlement Agreement.

Application 01-11-033

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME FOR RESPONSE TO APPLICATION BY
SOUTHERN CALIFORNIA EDISON COMPANY FOR APPROVAL OF
SETTLEMENT AGREEMENT WITH NP COGEN, INC. (QFID 2014) AND
REQUEST FOR EXPEDITED, *EX PARTE* CONSIDERATION**

Summary

This ruling shortens the time for responding to Southern California Edison Company's (Edison) Application for approval of a settlement agreement with NP Cogen, Inc. (NP Cogen), to December 19, 2001.

Discussion

On November 21, 2001, Edison filed an application for approval of a negotiated settlement with NP Cogen (Application), dated September 27, 2001. The Application requests an expedited *ex parte*, approval in the Commission meeting of December 11, 2001. Edison indicates that the settlement will terminate on January 25, 2002, if Commission approval is not obtained,¹ with a

¹ A 15-day extension has thus far not been accepted by NP Cogen.

potential resumption of litigation. Edison provides that the settlement is nearly identical to other settlements reached with qualifying facilities regarding payments for past energy deliveries, and approved by the Commission in Decision (D.) 01-06-015 and D.01-07-031. Edison also filed a Motion for Order Shortening Time for Filing and Serving Opposition or Response to its Application (Motion). The Motion requests that all responses to Edison's Application be filed by December 6, 2001, and the response time for any replies be shortened to three business days. No opposition has been filed in response to Edison's Motion.

The date requested by Edison in its Motion, December 6, 2001, is already past. However, the matters in Edison's Application should be addressed expeditiously to reduce the possibility of resumed litigation; therefore, this ruling sets the date for responses to Edison's Application as December 19, 2001.

Therefore, **IT IS RULED** that:

1. The date for filing responses to Southern California Edison Company's Application for Approval of Settlement Agreement with NP Cogen, Inc. (QFID 2014) and Request for Expedited, Ex Parte Consideration is shortened to December 19, 2001.
2. Edison may file a reply to any responses by December 21, 2001.
3. The provisions of Rule 44.1 of the Commission's Rules of Practice and Procedure are waived.

Dated December 14, 2001, at San Francisco, California.

/s/ BRUCE DEBERRY

Bruce DeBerry
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time for Response to Application by Southern California Edison Company for Approval of Settlement Agreement with NP Cogen, Inc. (QFID 2014) and Request for Expedited, Ex Parte Consideration on all parties of record in this proceeding or their attorneys of record.

Dated December 14, 2001, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.